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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER	
GUIDOTTI, LAURA COLE	
ART UNIT	**PAPER NUMBER**
3723	

NOTIFICATION DATE	DELIVERY MODE
08/08/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com
eOAPilot@kmob.com

Office Action Summary	Application No.	Applicant(s)	
	10/797,211	SCHAAF, PHILIP J.	
	Examiner	Art Unit	
	Laura C. Guidotti	3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 May 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *21-47* is/are pending in the application.

4a) Of the above claim(s) *36* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *21-35,37-39 and 42-47* is/are rejected.

7)☒ Claim(s) *40 and 41* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 43-44, and 46 are rejected under 35 U.S.C. 102(b) as being anticipated by Beck, US 3,188,675.

Beck teaches the claimed invention including at least a first cleaning face (face of sponge 12 that has the handle 16), at least a second cleaning face (face adjacent the first face, facing out of the page in Figure 1), at least a third cleaning face (face shown in Figure 3), and at least a fourth cleaning face (side opposing the second face, not wholly shown), wherein first, second, third, and fourth pluralities of parallel grooves that run the length of the first, second, third and fourth cleaning faces (see Figures 1 and 3-5, there is a plurality of parallel grooves 18, 19 on the first, second, third, and fourth faces), wherein the cleaning device comprises at least two materials (including a foam synthetic sponge, polyurethane, Column 3 Lines 40-41; and including a synthetic material such as water-resistant starch-base adhesive, waterproof material, or a cleaning compound, Column 3 Lines 47-58), wherein first, second, third, and fourth pluralities of parallel grooves form a plurality of continuous, non-intersecting grooves that circumscribe each of the four faces (the parallel grooves are non-intersecting with each other, see Figures 1 and 3-5). Regarding claim 44, at least two of the first,

second, third, and fourth faces each individually has a surface area larger than or equal to the individual surface of every other face of the cleaning device (see Figures 1, 3-5). Regarding claim 46, the device is in the shape of a rectangular block and comprises ridges and grooves on the two largest faces of the device (Figures 1, 3-5).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 21, 24, 26-29, 31-35, 37, 38-39, and 42-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zamansky et al., US 6,663,309 in view of McDonough, US 2001/0029967.

Zamansky et al. disclose the claimed invention including a cleaning device (60) having at least a first cleaning face (any one “face” along the cylindrical body, the face may be a quadrant of the cleaning device), wherein the first cleaning face comprises a first plurality of ridges (65) that run the length of the first cleaning face (as shown in Figures 1-2), at least a second cleaning face (face that is approximately 90 degrees from the first face about a longitudinal axis of 60), wherein the second cleaning face comprises a second plurality of parallel ridges that run the length of the second cleaning face (65), at least a third cleaning face (face that is approximately 180 degrees from the first face about a longitudinal axis of 60), wherein the third cleaning face comprises a third plurality of ridges (65) that run the length of the third cleaning face (as shown in

Figures 1-2), and at least a fourth cleaning face (face that is approximately 270 degrees from the first face about a longitudinal axis of 60), wherein the fourth cleaning face comprises a fourth plurality of parallel ridges (65) that run the length of the fourth cleaning face (as shown in Figures 1-2), wherein first, second, third, and fourth pluralities of parallel ridges form a plurality of continuous ridges that circumscribe each of the four faces (as shown in Figures 1-2). Regarding claim 24, the cleaning device comprises at least one absorbent material (Column 3 Lines 8-10, 25-26). Regarding claim 26, the cleaning device comprises at least one material that is non-abrasive (Column 3 Lines 8-10, 25-26). Regarding claim 27, the cleaning device comprises a non-abrasive material and an absorbent material (as it is a foam sponge, Column 3 Lines 8-10, 25-26). Regarding claims 31 and 33-34, the material is a synthetic foam sponge (Column 3 Lines 8-10, 25-26). Regarding claims 38 and 44, wherein at least two of the first, second, third, and fourth faces each individually has a surface area that is equal to the individual surface area of every other face of the cleaning device (if every "face" is 90 degrees apart, than the faces would all be equal). Regarding claims 42-43, there is a plurality of parallel grooves (64) on the first, second, third, and fourth faces (see Figures 1-2), the parallel grooves form a plurality of continuous, non-intersecting grooves that circumscribe each of the four faces (Figures 1-2). Zamansky et al. does not disclose that the cleaning device comprises at least two materials.

McDonough teaches a cook top surface cleaning device that comprises at least two materials including foam (paragraph 22), rubber (polyurethane, paragraph 27), a synthetic material (paragraphs 27-30), polyester (paragraph 19), synthetic sponge

(paragraphs 27-30, 19), and plastic (paragraph 19). In particular there are two layers (A, B) that have different surface characteristics to provide different coarsenesses (paragraph 23), wherein the cleaning device comprises a first non-abrasive material and a second non-abrasive material (paragraph 23), the first non-abrasive material (B) is relatively less abrasive than the second non-abrasive material (A, paragraph 23) so that a user can scrub a glass-ceramic surface without scratching or marring that surface.

It would have been obvious for one of ordinary skill in the art to substitute the materials used to form Zamansky et al. to be at least two materials including foam, rubber, synthetic materials, synthetic sponge, and plastic as McDonough teaches, in order to have two faces of varying abrasiveness each being better suited for different types of cleaning and specifically the materials being advantageous in use when cleaning a ceramic or glass surface without scratching or marring it.

3. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zamansky et al., US 6,663,309 and McDonough, US 2001/0029967 as applied to claim 21, in view of Beller, US 4,690,125.

Zamansky et al. and McDonough disclose all elements mentioned above, and Zamansky et al. displays that the ridges and separations are about equally separated (see Figures 1-2), however neither Zamansky et al. nor McDonough teach specific dimensions.

Beller teaches that a grill grate (35) diameter (or width) is 3/8" (Column 5 Lines 41-45).

It would have been obvious for one of ordinary skill in the art to modify the ridge width and separation of the dish and cooking surface cleaner of Zamansky et al. and McDonough to be 3/8", as Beller teaches that this is a known grill grate dimension, and therefore would be a useful dimension for the ridges and separations in order to clean between and around cooking grates.

4. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zamansky et al., US 6,663,309 and McDonough, US 2001/0029967 as applied to claim 21, in view of Stoker, US 3,146,479.

Zamansky et al. and McDonough disclose all elements mentioned above, however do not disclose that the ridges are a specific length.

Stoker teaches a surface cleaning device that has a cleaning surface of four inches (Column 2 Lines 10-14).

It would have been obvious for one of ordinary skill in the art to modify the ridges of Zamansky et al. and McDonough to be four inches in length, as Stoker teaches in order to provide an optimal and conveniently sized cleaning face.

5. Claims 25 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zamansky et al., US 6,663,309 and McDonough, US 2001/0029967 as applied to claim 21, in view of Aldredge, US 6,916,382.

Zamansky et al. and McDonough disclose all elements mentioned above, however do not specifically disclose a material that is resistant to heat.

Aldredge teach a pad of wiping a grill surface that is treated with a heat retardant so that it is self-extinguishing in case it is contacted with extreme heat or a flame (Column 4 Lines 13-29).

It would have been obvious for one of ordinary skill in the art to add a heat resistant material as Aldredge teaches to the cleaning device of Zamansky et al. and McDonough so that the device won't catch fire or self-extinguish if in contact with a flame or extremely hot surface while cleaning.

6. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beck, US 3,188,675 in view of McDonough, US 2001/0029967.

Beck discloses that there are two materials having differing stiffness (Column 3 Lines 47-53), however does not disclose specific materials other than that one material is polyurethane synthetic foam.

McDonough teaches a cleaning device that comprises at least two materials including foam (paragraph 22), rubber (polyurethane, paragraph 27), a synthetic material (paragraphs 27-30), polyester (paragraph 19), synthetic sponge (paragraphs 27-30, 19), and plastic (paragraph 19). In particular there are two layers (A, B) that have different surface characteristics to provide different coarsenesses (paragraph 23), wherein the cleaning device comprises a first non-abrasive material and a second non-abrasive material (paragraph 23), the first non-abrasive material (B) is relatively less abrasive than the second non-abrasive material (A, paragraph 23) so that a user can scrub a glass-ceramic surface without scratching or marring that surface.

It would have been obvious for one of ordinary skill in the art to substitute the stiffening material of Beck to be polyester as McDonough teaches, in order to have two faces of varying abrasiveness each being better suited for different types of cleaning and specifically the materials being advantageous in use when cleaning a ceramic or glass surface without scratching or marring it.

Allowable Subject Matter

7. Claims 40 and 41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

8. Applicant's arguments filed 02 May 2008 have been fully considered but they are not persuasive.

The Applicant argues that the grooves of Beck are non-intersecting. However, the Examiner disagrees. The grooves of Beck that the Examiner finds to be parallel are non-intersecting with each other.

The Applicant also argues that the device of Zamansky et al. lacks claimed features, such as the faces as recited in the independent claims. The Examiner respectfully disagrees. One of ordinary skill in the art would recognize that the outer surface of Zamansky et al., as it is cylindrical, comprises an infinite number of faces. The Examiner has interpreted Zamansky et al. to have four faces, each being a quarter of the surface area of the total cylindrical surface area.

The Applicant further argues that one would not combine the devices of Zamansky et al. and McDonough because they "are very different" in shape and it is hard to imagine their combination. Again, the Examiner disagrees. The Examiner relies upon McDonough for its teaching that a cleaning device may comprise two different materials (including foam, rubber, synthetic materials, synthetic sponge, and plastic) in order to have two faces of varying abrasiveness each being better suited for different types of cleaning and specifically the materials being advantageous in use when cleaning a ceramic or glass surface without scratching or marring it. The Examiner does not rely on McDonough's shape, only that it is known to have a cleaning device comprise two different materials so that some of the cleaning surfaces are better suited for more abrasive or gentler cleaning.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C. Guidotti whose telephone number is (571) 272-1272. The examiner can normally be reached on Monday-Thursday, 7:30am - 5pm, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Laura C Guidotti/
Primary Examiner, Art Unit 3723

lcg